

August 23, 2017

The Honorable Jocelyn Boyd  
Chief Clerk and Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29201

**Re:** Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina  
Electric & Gas Company, Defendant/Respondent  
Docket No. 2017-207-E

Dear Ms. Boyd:

South Carolina Electric and Gas ("SCE&G") hereby responds to the Public Service Commission of South Carolina's (the "Commission") request for a Brief communicating SCE&G's position in the above-referenced docket, as requested in Order No. 2017-403, issued August 2, 2017.

On June 22, 2017, Friends of the Earth and the Sierra Club (the "Complainants") filed a Complaint/Petition seeking "a full Commission review of Project costs, alternatives and remedial measures," including refunds or reparations of rates lawfully charged to customers. Complaint/Petition at p. 6. In response, on July 19, 2017, SCE&G moved pursuant to 10 S.C. Code Ann. Regs. 103-829 (2012) to dismiss the Complaint/Petition because the relief sought is either statutorily prohibited or premature. On July 21, 2017, Complainants responded to the Motion to Dismiss. On July 26, 2017, SCE&G replied to Complainants' Response in Opposition to SCE&G's Motion to Dismiss.

On August 1, 2017, SCE&G filed the Petition of South Carolina Electric & Gas Company for Prudency Determination Regarding Abandonment, Amendments to the Construction Schedule, Capital Cost Schedule and Other Terms of the BLRA Orders for the V.C. Summer Units 2 & 3 and Related Matters ("SCE&G's Petition") in Docket No. 2017-244-E. By filing this docket, SCE&G intended to address the statutorily authorized matters related to its nuclear project and the decision to abandon it, all as stated in SCE&G's Motion to Dismiss. Given these parallel dockets, the Commission requested the present Brief to include SCE&G's position on how SCE&G's Petition affects the present docket and whether this docket should be consolidated with Docket No. 2017-244-E.

On August 9, 2017, the Office of Regulatory Staff ("ORS") filed a Motion to Dismiss SCE&G's Petition in Docket No. 2017-244-E. In this motion to dismiss, ORS requested

dismissal to assist the Governor and General Assembly with their efforts to review all aspects of the project and determine a plan for the future. On that same day, the Speaker of the House of Representatives, James H. "Jay" Lucas, filed a Petition to Intervene in the case on behalf of the South Carolina House of Representatives in order to support ORS's Motion to Dismiss. The Commission also received letters from other entities supporting ORS's position.

On August 15, 2017, SCE&G filed a letter with the Commission withdrawing the Petition in Docket No. 2017-244-E to allow public officials and legislative bodies the opportunity to explore these issues without the pressure of on-going adjudicatory proceedings before the Commission.

Given the withdrawal of SCE&G's Petition, the issue of consolidation of this docket with SCE&G's Petition is moot. For that reason, SCE&G requests that the Commission take up SCE&G's Motion to Dismiss and grant it on the grounds stated in that motion and the supporting materials previously submitted, apart from those grounds that relate to duplicative proceedings. In the alternative, SCE&G requests that the Commission honor by another means the request of ORS and that of Speaker Lucas and others for time to complete the legislative reviews of these issues without the pressure of on-going adjudicatory proceedings before the Commission. That means would be to suspend and hold in abeyance all further proceedings and deadlines in the present docket pending the legislative review process and the filing of a subsequent petition by SCE&G concerning these matters. If the Commission adopts this approach, then when a future proceeding is filed, the Commission should revisit the issues raised by SCE&G in its motion to dismiss and determine whether or not to consolidate this proceeding with the future docket or dismiss the petition.

Therefore, as an alternative to dismissal at this time, SCE&G supports the Commission's directive in Order No. 2017-493 to hold in abeyance all procedural matters currently pending in the docket, including the discovery and pre-filing dates, consideration of the pending motion to dismiss, a ruling on the request for oral arguments, and all other procedural matters.

However, SCE&G's principal position remains that the Complaint/Petition should be dismissed, as discussed in detail in its Motion to Dismiss. Because the issue of consolidation of this docket with SCE&G's Petition is moot, SCE&G requests that the Commission take up SCE&G's Motion to Dismiss and grant it on the grounds that the Complaint/Petition contains no claims that can support an adjudicatory proceeding before the Commission. Dismissal of the Complaint/Petition in its entirety is therefore warranted. Alternatively, SCE&G respectfully requests that the Commission suspend all deadlines and proceedings in this docket and issue a new schedule and take up SCE&G's motion to dismiss at a later date based on the legislative review process and the filing of a subsequent petition by SCE&G concerning these matters.

If you have any questions regarding these matters, please do not hesitate to contact me.

Sincerely,

**WOMBLE CARLYLE SANDRIDGE & RICE**  
***A Limited Liability Partnership***

A handwritten signature in black ink, appearing to read "B. T. Zeigler", with a long horizontal flourish extending to the right.

Belton T. Zeigler  
Partner

cc: Shannon Bowyer Hudson, Esq.  
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**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2017-207-E**

**IN RE:**

Friends of the Earth and Sierra Club, )  
Complainant/Petitioner v. South Carolina )  
Electric & Gas Company, )  
Defendant/Respondent )

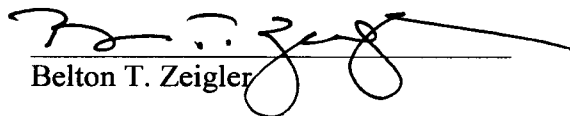
**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one copy of SCE&G's Response to Commission Directive No. 2017-493 to the persons named below at the addresses set forth via U.S. First Class Mail and electronic mail:

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